

Kleber, Kody

From: Dowell, Eric D. <EDowell@PRYORCASHMAN.com>
Sent: Thursday, May 18, 2017 4:11 PM
To: Kleber, Kody
Subject: RE: Madoff/Goldberg

Will get back to you tomorrow. Just eating lunch after all day TRO hearing. Hope all's well on your end.

-----Original Message-----

From: Kleber, Kody [mailto:kkleber@bakerlaw.com]
Sent: Thursday, May 18, 2017 4:14 PM
To: Dowell, Eric D. <EDowell@PRYORCASHMAN.com>
Subject: RE: Madoff/Goldberg

Status?

Kody Kleber
Partner

BakerHostetler
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kkleber@bakerlaw.com
bakerlaw.com

-----Original Message-----

From: Dowell, Eric D. [mailto:EDowell@PRYORCASHMAN.com]
Sent: Thursday, May 11, 2017 5:11 PM
To: Kleber, Kody
Subject: RE: Madoff/Goldberg

Hi Kody,

There are a couple of items that are with the client. [REDACTED]

Trust that we're driving hard toward final. But probably next week at this point.

Will also get back to you on Kahn Litwin ASAP.

Hope everything's calmed down and is going well on your end. Let's talk soon.

Best,

Eric D. Dowell
Pryor Cashman LLP
7 Times Square
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Direct Tel: (212) 326-0407
Direct Fax: (212) 798-6381
edowell@pryorcashman.com
www.pryorcashman.com



-----Original Message-----

From: Kleber, Kody [mailto:kkleber@bakerlaw.com]
Sent: Thursday, May 11, 2017 6:05 PM
To: Dowell, Eric D. <EDowell@PRYORCASHMAN.com>
Subject: RE: Madoff/Goldberg

Eric,

Are we getting Defendants' responses/documents this week?

Also, need an update on Kahn Litwin.

Thanks,

Kody Kleber
Partner

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-----Original Message-----

From: Dowell, Eric D. [mailto:EDowell@PRYORCASHMAN.com]
Sent: Thursday, May 04, 2017 2:09 PM
To: Kleber, Kody
Subject: Re: Madoff/Goldberg

I got sucked into another TRO. In court now. Will be back in office tomorrow. Might need to circle back to clients on one or two more items. Worst case next week. Sounds like we're both in the shit. Isn't litigation fun?

On May 4, 2017, at 2:32 PM, Kleber, Kody <kkleber@bakerlaw.com<mailto:kkleber@bakerlaw.com>> wrote:

Eric,

I am just writing to follow-up and confirm that you will be producing discovery responses tomorrow. Please let me know, thanks.

Kody Kleber
Partner

<image001.jpg>

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From: Kleber, Kody
Sent: Monday, May 01, 2017 5:42 PM
To: 'Dowell, Eric D.'
Subject: RE: Madoff/Goldberg

I'm buried but free up Wednesday. End of this week if fine.

Kody Kleber
Partner

<image010.jpg>

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From: Dowell, Eric D. [mailto:EDowell@PRYORCASHMAN.com]
Sent: Thursday, April 27, 2017 4:52 PM
To: Kleber, Kody
Subject: RE: Madoff/Goldberg

Hi Kody,

I guess email is easier (guessing you're as swamped as I am). I got sucked into a gong show case where I'm taking something like 8 depositions in 2 weeks [REDACTED] but am grinding down to finalize the responses. There are a handful of items where I need to go back to the client. I anticipate being final by no later than the end of next week. Let me know if you'd like me to discuss.

Best,

Eric

From: Dowell, Eric D.
Sent: Wednesday, April 26, 2017 5:42 PM
To: 'Kleber, Kody' <kkleber@bakerlaw.com<mailto:kkleber@bakerlaw.com>>
Subject: RE: Madoff/Goldberg

Hi Kody,

Can we speak tomorrow? I'm flexible on timing.

Eric D. Dowell
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From: Kleber, Kody [mailto:kkleber@bakerlaw.com]
Sent: Tuesday, April 25, 2017 6:03 PM
To: Dowell, Eric D. <EDowell@PRYORCASHMAN.com<mailto:EDowell@PRYORCASHMAN.com>>
Subject: RE: Madoff/Goldberg

Eric, Defendants' discovery responses are almost two weeks overdue. Please provide a status update as soon as possible.

Thanks,

Kody Kleber
Partner

<image015.jpg>

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From: Dowell, Eric D. [mailto:EDowell@PRYORCASHMAN.com]
Sent: Thursday, April 20, 2017 2:52 PM
To: Kleber, Kody
Subject: RE: Madoff/Goldberg

Been drowning in client TRO fire drill last couple days. You around on Monday for a call?

From: Dowell, Eric D.
Sent: Tuesday, April 18, 2017 8:36 PM
To: Kleber, Kody <kkleber@bakerlaw.com<mailto:kkleber@bakerlaw.com>>
Subject: Re: Madoff/Goldberg

Will give you an update tomorrow.

On Apr 18, 2017, at 8:14 PM, Kleber, Kody <kkleber@bakerlaw.com<mailto:kkleber@bakerlaw.com>> wrote:
Eric - discovery responses were due Friday, what is your status?

Kody Kleber
Partner

<image001.jpg>

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From: Dowell, Eric D. [mailto:EDowell@PRYORCASHMAN.com]
Sent: Wednesday, April 05, 2017 4:02 PM
To: Kleber, Kody
Subject: RE: Madoff/Goldberg

Hi Kody,

Can we do a quick call tomorrow?

Eric D. Dowell
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From: Kleber, Kody [mailto:kkleber@bakerlaw.com]
Sent: Tuesday, March 21, 2017 12:12 PM
To: Dowell, Eric D. <EDowell@PRYORCASHMAN.com<mailto:EDowell@PRYORCASHMAN.com>>; Hunt, Dean D. <dhunt@bakerlaw.com<mailto:dhunt@bakerlaw.com>>
Cc: Rose, David <DRose@PRYORCASHMAN.com<mailto:DRose@PRYORCASHMAN.com>>; Smith, Rachel M. <rsmith@bakerlaw.com<mailto:rsmith@bakerlaw.com>>; Hochmuth, Farrell <FHochmuth@bakerlaw.com<mailto:FHochmuth@bakerlaw.com>>
Subject: RE: Madoff/Goldberg

Eric,

We are agreed on the April 14, 2017 discovery response extension for Defendants, and we will file the Case Management Notice today.

We do not agree with your position on the subpoenas, and are going to move forward on that front.

Thank you,

Kody Kleber
Partner

<image013.jpg>

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From: Dowell, Eric D. [mailto:EDowell@PRYORCASHMAN.com]
Sent: Monday, March 20, 2017 3:52 PM
To: Kleber, Kody; Hunt, Dean D.
Cc: Rose, David; Smith, Rachel M.; Hochmuth, Farrell
Subject: RE: Madoff/Goldberg

Hi Kody,

The Amended Case Management Notice is acceptable. With that, we will assume that the discovery extension to April 14 is set. Finally, it has been our position throughout, in this and other actions, that third party subpoenas should be held in abeyance pending defendants providing substantive discovery responses. The underlying reasoning is that the information provided in response to discovery request will provide (at least in part) the information sought by the subpoenas. The same makes sense here. Please confirm that the subpoena responses will be extended accordingly.

Best,

Eric D. Dowell
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From: Kleber, Kody [mailto:kkleber@bakerlaw.com]

Sent: Friday, March 17, 2017 7:25 PM

To: Dowell, Eric D. <EDowell@PRYORCASHMAN.com<mailto:EDowell@PRYORCASHMAN.com>>; Hunt, Dean D. <dhunt@bakerlaw.com<mailto:dhunt@bakerlaw.com>>

Cc: Rose, David <DRose@PRYORCASHMAN.com<mailto:DRose@PRYORCASHMAN.com>>; Smith, Rachel M. <rsmith@bakerlaw.com<mailto:rsmith@bakerlaw.com>>; Hochmuth, Farrell

<FHochmuth@bakerlaw.com<mailto:FHochmuth@bakerlaw.com>>

Subject: RE: Madoff/Goldberg

Eric,

We did not receive a response by Wednesday, March 15, as requested. Before seeking assistance from the Court, we provide the following draft Amended Case Management Notice for your review. If we do not have approval from you by close of business Monday, March 20, on the discovery extension and the attached Amended Notice, we will ask the Court to compel immediate production of overdue discovery responses, and to enter the attached Amended Notice.

Thank you,

Kody Kleber
Partner

<image013.jpg>

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From: Kleber, Kody

Sent: Friday, March 10, 2017 8:53 PM

To: 'Dowell, Eric D.'; Hunt, Dean D.

Cc: Rose, David

Subject: RE: Madoff/Goldberg

Eric,

To be clear, you and I did not discuss the outstanding subpoenas on our call, nor are we amenable to extending those deadlines. We will agree to provide you the extension you requested to April 14 for the defendants' discovery responses, in light of the defendants' difficult situation, provided you will agree to extend the deadline to conclude discovery and all remaining deadlines in the case management order by 3 months.

Please let us know by Wednesday, March 15, whether you agree, and we will prepare an amended case management notice.

Kody Kleber
Partner

<image013.jpg>

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From: Dowell, Eric D. [mailto:EDowell@PRYORCASHMAN.com]
Sent: Friday, March 10, 2017 3:45 PM
To: Kleber, Kody; Hunt, Dean D.
Cc: Rose, David
Subject: Madoff/Goldberg

Hi Kody:

I'm writing to follow-up on the phone conversation that we had earlier this week. I explained that we and our clients (and their representatives) have made significant progress on pulling together the information necessary to respond to the Trustee's discovery, but need additional time because [REDACTED] and we need the input of family members [REDACTED] in order to complete certain responses. The new date that I proposed for our clients to submit written responses was April 17, 2017. And relatedly, I proposed further extending the deadlines for subpoenaed third parties to respond. You were amenable to this request, but said that you needed to circle back with colleagues before confirming. Please confirm this date once you have done so. We (and our clients) continue to appreciate your understanding and courtesies.

Best,

Eric D. Dowell
Pryor Cashman LLP
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